

ADMINISTRATIVE - INTERNAL USE ONLY

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM-D-162

2 August 1983

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM:

Chairman

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SUBJECT: NSDD-84 Nondisclosure Agreement for SCI

REFERENCE: DCI Letter to Judge Clark dated 28 July 1983

1. Action Requested: None - for information only. This provides background information on negotiations to remedy the problem which occasioned referenced letter to Judge Clark protesting an appearance of erosion of DCI authority resulting from planned promulgation of the nondisclosure agreement for SCI under the terms of NSDD-84. This suggests an approach for you to use in your 3 August meeting with Judge Clark.

2. Background: On 28 July 1983, subsequent to receipt of your letter, Richard Willard, Deputy Assistant Attorney General, called and offered a compromise. If the DCI would accept the wording of the nondisclosure agreement (NdA) as drafted, promulgation of the NdA by the DCI would be assured. Mr. Willard was greatly concerned that any effort to amend the NdA would permit further efforts in the working group to weaken the agreement. The compromise would ensure that the Information Security Oversight Office (ISOO) would not appear to have usurped a DCI function regarding SCI security.

3. On 1 August 1983, [] Associate General Counsel, and I visited Kenneth deGraffenreid of the NSC Staff to discuss details of how the NdA for SCI would be promulgated. During this meeting, Mr. deGraffenreid agreed to propose that Judge Clark use the following language in sending the new NdA to the DCI for promulgation:

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"All NSC members have concurred in the attached Sensitive Compartmented Information (SCI) Nondisclosure Agreement. I have determined that the form meets the minimum standards required by NSDD-84 and ask that you promulgate this as the standard form for SCI access.

All requests for deviation from the language of this form will be sent to you for review and approval. In reviewing any

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request for waiver, minimum standards of NSDD-84 must be applied. Any deviation, change or waiver which you approve should be sent to me for a determination that it complies fully with the requirements of NSDD-84."

4. The NdA for classified (noncompartmented) information will be sent to the Director, ISOO, for promulgation. There is no plan to give similar authority for approving waivers or changes in the classified information NdA to the ISOO Director. Requests for deviations will go directly to the NSC. The DCI, therefore, will maintain his posture as the U.S. government official with the primary responsibility for protecting intelligence sources and methods.

5. Mr. deGraffenreid indicated that the NdA drafts (a copy of the SCI version is attached) are now being considered by NSC members with a 5 August deadline. Barring unforeseen problems, the agreements should be sent for promulgation around mid-August. We should be ready to act promptly in getting the new agreement sent to the Community. The SECOM staff and the Office of General Counsel will begin immediately to draft a letter from you promulgating the forms, and will add the nondisclosure agreement requirement to the DCID (No. 1/14) which states minimum standards governing access to SCI.

6. Recommendation: In your 3 August meeting with Judge Clark, you might express pleasure that your concerns regarding the NdA were resolved by the staffs. You might state that the language worked out with Mr. deGraffenreid for suggested use by Judge Clark in writing you will make it clear that the DCI's authorities remain intact.

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Attachment

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SUBJECT: NSDD-84 Nondisclosure Agreement for SCI

Distribution:

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1 - DDCI w/att

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DCI SECOM [redacted] :gmc (2 Aug 83)

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